

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

STATE OF NEW YORK,

Plaintiff,

vs.

Civil Action No. 83-CV-1401(c)

SOLVENT CHEMICAL COMPANY, INC. et al.,

**Defendants and
Third-Party Plaintiffs,**

vs.

THE UNITED STATES OF AMERICA, et al.

Third-Party Defendants.

**SOLVENT CHEMICAL COMPANY, INC. and
ICC INDUSTRIES INC.,**

Plaintiffs,

- vs -

Civil Action No. 01-CV-425C(Sc)

E.I. du PONT de NEMOURS AND COMPANY,

Defendant.

**STIPULATION AND PROPOSED ORDER REGARDING DUPONT'S MOTION
FOR LEAVE TO SUBMIT SUPPLEMENTAL MEMORANDUM OF LAW**

On May 19, 2009, Third-Party Defendant/Defendant E.I. du Pont de Nemours and Company ("DuPont") filed a motion for leave to submit a supplemental memorandum of law to address the potential application of the United States Supreme Court's recent decision in *Burlington Northern & Sante Fe Railway Co. v. United States*, 556 U.S. ____ (May 4, 2009) ("*BNSF*"), to the issues pending before this Court in the case at bar (Item No. 1530).

Upon consultation among all of the remaining parties in the case, DuPont, Solvent Chemical Company, Inc., ICC Industries Inc. and Olin Corporation hereby stipulate and agree that the proposed order set forth in DuPont's motion should hereby be amended to allow any party wishing to brief the potential impact of the *BNSF* decision to do so pursuant to the following schedule:

1. Any party wishing to brief the potential impact of the *BNSF* decision on the determination of any issue pending in the instant case shall file a supplemental memorandum (not to exceed 10 pages) within 14 days of the entry of this stipulation and order; and

2. Any party wishing to respond to any other party's supplemental memorandum shall file a responding memorandum (not to exceed 10 pages) within 14 days of the filing of the initial supplemental memoranda.

Dated: May 12, 2009

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SO ORDERED

United States District Court Judge

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